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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARTHUR ANGERMEIR, NITESH BHAGWANANI,
KEN ELDER, BECKY D. GLYNN, RAJAT GOYAL,
KRISTINA GREENE, LOUIS MARROU, MARILYN
MURRELL, AND DR. SHIVA NANCY SHABNAM,

Plaintiffs,

– against –

JAY COHEN, SARA KRIEGER, JENNIFER CENTENO,
LOUIS CUCINOTTA, RICARDO BROWN, ROBERT
TAYLOR, JOSEPH I. SUSSMAN, JOSEPH I.
SUSSMAN, P.C., LEASE FINANCE GROUP, LLC, MBF
LEASING LLC and NORTHERN LEASING SYSTEMS,
INC.,

Defendants.

12 Civ. 0055 (KBF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Court's Order dated March 31, 2015 (ECF No. 98), the Court's Order dated April 17, 2015 (ECF No. 124), the Court's Order dated June 17, 2015 (ECF No. 173), the Judgment entered on August 28, 2015, the Order of the Court of Appeals For The Second Circuit entered on November 4, 2016, and upon the Declaration of Robert Lillienstein, dated December 7, 2016 (with exhibits), the undersigned counsel for Defendants will move this court, before the Honorable Katherine. B. Forrest, U.S.D.J., in Courtroom 15A at the United States Courthouse located at 500 Pearl St., New York, NY 10007, for an Order:

1. pursuant to Fed.R.Civ.P. 37(a)(5)(A) and Fed.R.Civ.P. 37(b)(2)(C), requiring Plaintiffs Bhagwanani, Glynn, Goyal, Greene, Murrell and Shabnam (“Plaintiffs”), and/or their counsel, Chittur & Associates, P.C., to pay the Defendants’ reasonable expenses, including attorneys’ fees, incurred by Defendants in obtaining:
 - a. the Court’s Orders of March 31 and April 17, 2015 (ECF No. 98 and 124) (hereinafter, the “Discovery Orders”) that directed Plaintiffs to produce discovery;
 - b. the Court’s June 17, 2015 Order (ECF No. 173, the “Dismissal Order”) that dismissed Plaintiffs’ claims with prejudice due to their failure to comply with the Discovery Orders; and
 - c. the Order of the Court of Appeals for the Second Circuit, dated November 4, 2016 (the “Second Circuit Order”), which affirms the Dismissal Order and the Judgment dismissing the Amended Complaint that was entered thereon (ECF No. 196).
2. pursuant to 28 U.S.C. §1927 and the Court’s inherent powers, requiring Plaintiffs’ attorneys, Chittur & Associates, P.C., to satisfy personally the excess costs, expenses and attorneys’ fees that were reasonably incurred by Defendants as a result of Plaintiffs’ counsel’s unreasonable and vexatious multiplication of the proceedings in this case; and

3. for such other and further relief as the Court deems just and proper.

Dated: December 8, 2016
New York, New York

/s/

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